

Notice of Allowability

Application No.

10/808,226

Examiner

Huy K. Mai

Applicant(s)

LANE ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and the amendment filed Mar. 14, 07 and the telephone interview May 28, 07.
2. ☒ The allowed claim(s) is/are 1,3,4,6-16,18,19,22-39,41,42,46-50,57-59. Claims 2,5,17,20,21,40,43-45,51-56 have been cancelled.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.



Huy Mai
Primary Examiner

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Derek Westberg on May 28, 2007.

The application has been amended claim 59 as follows:

Claim:

59. (Currently amended) The eyeglass assembly according to claim [[5]] 1, wherein one or more of the tab receptacles accommodates the corresponding tab causing a distortion when fitted together.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: The prior art fails to teach a combination of all the limitations as claimed in the independent claim 1, wherein the claimed invention comprising a rib coupled to the eyeglass frame and including a brow portion, the brow portion having side portions extending above the lens receptacles and the rib having extensions coupled to the brow portion and extending downwardly along both sides of a wearer's nose, each side portion and each extension terminating at an endpoint, the rib having a pliable coating on at least some of its surface~ wherein the rib is affixed to the eyeglass frame by at least one fastener and a plurality of attachment means, the fastener being separate from the rib and the eyeglass frame and passing through an aperture of one of the rib and the eyeglass frame and secured to another one of the rib and the eyeglass frame, and the plurality of attachment means being integral to the rib and the eyeglass frame and comprising a plurality of tabs extending from the eyeglass frame and for each tab extending from the eyeglass frame a corresponding tab receptacle in the rib, as claimed. The prior art does not disclose or fairly suggest, either alone or in combining with any other reference, to meet a combination of all the limitations as claimed in claims 1, 8, 16, 23, 30, 38 and 57 either under 35 USC 102 or 103. Therefore claims 1, 3, 4, 6-16, 18-19, 22-39, 41, 42, 46-50 and 57-59 could be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy K. Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

HKM/
May 28, 2007


Huy Mai
Primary Examiner